

Senate Resolution 123

By: Senator Thomas of the 2nd

A RESOLUTION

1 Authorizing the granting of a nonexclusive easement for operation and maintenance of
2 utilities in, on, over, under, upon, across, or through property owned by the State of Georgia
3 in Chatham County, Georgia; to repeal conflicting laws; and for other purposes.

4 WHEREAS, the State of Georgia is the owner of certain real property located in Chatham,
5 County, Georgia; and

6 WHEREAS, the City of Savannah desires to operate and maintain a sanitary sewer line in,
7 on, over, under, upon, across, or through a portion of said property; and

8 WHEREAS, the sanitary sewer line in, on, over, under, upon, across, or through the
9 above-mentioned, hereinafter described state property has been approved by the Department
10 of Corrections, said being the custodian of the property.

11 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL
12 ASSEMBLY OF GEORGIA:

SECTION 1.

13
14 That the State of Georgia is the owner of the hereinafter described real property in Chatham
15 County, and the property is in the custody of the State Properties Commission, hereinafter
16 referred to as the "easement area" and that, in all matters relating to the easement area, the
17 State of Georgia is acting by and through its State Properties Commission.

SECTION 2.

18
19 That the State of Georgia, acting by and through its State Properties Commission, may grant
20 to the City of Savannah, or its successors and assigns, a nonexclusive easement for the
21 construction, operation, and maintenance of a sanitary sewer line in, on, over, under, upon,
22 across, or through the easement area for the purposes of constructing, erecting, installing,
23 maintaining, repairing, replacing, inspecting, and operating a sanitary sewer line together

1 with the right of ingress and egress over adjacent land of the State of Georgia as may be
2 reasonably necessary to accomplish the aforesaid purposes. Said easement area is located
3 in the 8th GMD of Chatham County, Georgia, and is more particularly described as follows:

4 That portion and that portion only as shown highlighted in yellow on a plat of survey dated
5 April 12, 2004 and revised May 12, 2004 prepared by Steve R. Waters and all being on file
6 in the offices of the State Properties Commission
7 and may be more particularly described by a plat of survey prepared by a Georgia Registered
8 Land Surveyor and presented to the State Properties Commission for approval.

9 **SECTION 3.**

10 That the above-described premises shall be used solely for the purpose of planning,
11 constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating
12 said sanitary sewer line.

13 **SECTION 4.**

14 That the City of Savannah shall have the right to remove or cause to be removed from said
15 easement area only such trees and bushes as may be reasonably necessary for the proper
16 construction, operation, and maintenance of said sanitary sewer line.

17 **SECTION 5.**

18 That, after the City of Savannah has put into use the sanitary sewer line for which this
19 easement is granted, a subsequent abandonment of the use thereof shall cause a reversion to
20 the State of Georgia, or its successors and assigns, of all the rights, title, privileges, powers,
21 and easement granted herein. Upon abandonment, the City of Savannah, or its successors and
22 assigns, shall have the option of removing its facilities from the easement area or leaving the
23 same in place, in which event the facility shall become the property of the State of Georgia,
24 or its successors and assigns.

25 **SECTION 6.**

26 That no title shall be conveyed to the City of Savannah, and, except as herein specifically
27 granted to the City of Savannah, all rights, title, and interest in and to said easement area is
28 reserved to the State of Georgia, which may make any use of said easement area not
29 inconsistent with or detrimental to the rights, privileges and interest granted to the City of
30 Savannah.

SECTION 7.

That this resolution does not affect and is not intended to affect any rights, powers, interest, or liability of the Department of Transportation with respect to the state highway system, a county with respect to the county road system, or a municipality with respect to the city street system. Grantee shall obtain any and all other required permits from the appropriate governmental agencies as are necessary for its lawful use of the easement area or public highway right of way and comply with all applicable state and federal environmental statutes in its use of the easement area.

SECTION 8.

That if the State of Georgia, acting by and through its State Properties Commission, determines that any or all of the facilities placed on the easement area should be removed or relocated to an alternate site on state owned land in order to avoid interference with the state's use or intended use of the easement area, it may grant a substantially equivalent nonexclusive easement to allow placement of the removed or relocated facilities across the alternate site, under such terms and conditions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia, and the City of Savannah shall remove or relocate its facilities to the alternate easement area at its sole cost and expense, unless the State Properties Commission determines that the requested removal or relocation is to be for the sole benefit of the State of Georgia and approves payment by the State of Georgia of all or a portion of such actual cost and expense, not to exceed by 20 percent the amount of a written estimate provided by the City of Savannah. Upon written request, the State Properties Commission, in its sole discretion, may permit the relocation of the facilities to an alternate site on state owned land so long as the removal and relocation is paid by the party or parties requesting such removal and at no cost and expense to the State of Georgia.

SECTION 9.

That the easement granted to the City of Savannah shall contain such other reasonable terms, conditions, and covenants as the State Properties Commission shall deem in the best interest of the State of Georgia and that the State Properties Commission is authorized to use a more accurate description of the easement area, so long as the description utilized by the State Properties Commission describes the same easement area herein granted.

SECTION 10.

That the consideration for such easement shall be for \$10.00 and such further consideration and provisions as the State Properties Commission may determine to be in the best interest of the State of Georgia.

SECTION 11.

That this grant of easement shall be recorded by the grantee in the Superior Court of Chatham County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 12.

That the authorization in this resolution to grant the above-described easement to the City of Savannah shall expire three years after the date that this resolution becomes effective.

SECTION 13.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect the grant of the easement area.

SECTION 14.

That all laws and parts of laws in conflict with this resolution are repealed.